



Rep. Sidney H. Mathias

Filed: 5/29/2009

09600SB0146ham002

LRB096 04504 JAM 27743 a

1 AMENDMENT TO SENATE BILL 146

2 AMENDMENT NO. _____. Amend Senate Bill 146, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Election Code is amended by changing
6 Section 9-9.5 as follows:

7 (10 ILCS 5/9-9.5)

8 Sec. 9-9.5. Disclosures in political communications.

9 (a) Any political committee, organized under the Election
10 Code, that makes an expenditure for a pamphlet, circular,
11 handbill, Internet or telephone communication, radio,
12 television, or print advertisement, or other communication
13 directed at voters and mentioning the name of a candidate in
14 the next upcoming election shall ensure that the name of the
15 political committee paying for any part of the communication,
16 including, but not limited to, its preparation and

1 distribution, is identified clearly within the communication
2 as the payor. This subsection does not apply to items that are
3 too small to contain the required disclosure. Nothing in this
4 subsection shall require disclosure on any telephone
5 communication using random sampling or other scientific survey
6 methods to gauge public opinion for or against any candidate or
7 question of public policy.

8 Whenever any vendor or other person provides any of the
9 services listed in this subsection, other than any telephone
10 communication using random sampling or other scientific survey
11 methods to gauge public opinion for or against any candidate or
12 question of public policy, the vendor or person shall keep and
13 maintain records showing the name and address of the person who
14 purchased or requested the services and the amount paid for the
15 services. The records required by this subsection shall be kept
16 for a period of one year after the date upon which payment was
17 received for the services.

18 (b) Any political committee, organized under this Code,
19 that makes an expenditure for a pamphlet, circular, handbill,
20 Internet or telephone communication, radio, television, or
21 print advertisement, or other communication directed at voters
22 and (i) mentioning the name of a candidate in the next upcoming
23 election, without that candidate's permission, or (ii)
24 advocating for or against a public policy position shall ensure
25 that the name of the political committee paying for any part of
26 the communication, including, but not limited to, its

1 preparation and distribution, is identified clearly within the
2 communication. Nothing in this subsection shall require
3 disclosure on any telephone communication using random
4 sampling or other scientific survey methods to gauge public
5 opinion for or against any candidate or question of public
6 policy.

7 (c) A political committee organized under this Code shall
8 not make an expenditure for any unsolicited telephone call to
9 the line of a residential telephone customer in this State
10 using any method to block or otherwise circumvent that
11 customer's use of a caller identification service.

12 (d) Notwithstanding any other provision of this Section, a
13 person or entity may not telephone or cause to be telephoned by
14 any telephonic means, including but not limited to an automatic
15 dialing-announcing device, a device using a voice over Internet
16 protocol, or a wireless telephone, any paid, pre-recorded
17 message that expressly advocates the nomination, election, or
18 defeat of a clearly identified candidate for a State or local
19 office, unless such message includes the statement: "paid for"
20 or "sponsored by", followed by (i) the name of the sponsoring
21 organization and the name of the chairperson or treasurer of
22 the political or other organization sponsoring the message or
23 (ii) the name of the individual who is responsible for the
24 message; except that the statement need not include the words
25 "paid for" or "sponsored by" in the case of an association's or
26 organization's message to its members. The statement,

1 including the identification of names required by clause (i) or
2 (ii) of this subsection, shall be spoken in a clear voice no
3 more than 2 seconds following the conclusion of the message.

4 As used in this subsection, "automatic dialing-announcing
5 device" means any user terminal equipment that:

6 (1) when connected to a telephone line can dial, with
7 or without manual assistance, telephone numbers that have
8 been stored or programmed in the device or are produced or
9 selected by a random or sequential number generator; or

10 (2) when connected to a telephone line can disseminate
11 a recorded message to the telephone number called, either
12 with or without manual assistance.

13 A first violation of this subsection is subject to a fine
14 assessed by the State Board of Elections. A subsequent
15 violation of this subsection is a Class A misdemeanor.

16 (Source: P.A. 94-645, eff. 8-22-05; 94-1000, eff. 7-3-06;
17 95-699, eff. 11-9-07.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."